

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**KEVIN NEAL GLASPIE,
ID # 192081,
Plaintiff,**

VS.

**CINDY ERMATINGER, et al.,
Defendants.**

No. 3:22-CV-2743-C (BH)

Referred to U.S. Magistrate Judge ¹

RECOMMENDATION REGARDING REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Before the Court is the plaintiff's *Appeal Of Application To Proceed In Forma Pauperis*, which is liberally construed to include a request to proceed *in forma pauperis* on appeal, received from the United States Court of Appeals for the Fifth Circuit on January 26, 2023 (doc. 9).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should find under Fed. R. App. 24(a)(3) and 28 U.S.C. § 1915(g) that the plaintiff is barred by the “three-strikes” rule of § 1915(g), and has not timely paid the filing fee, as discussed in the findings, conclusions, and recommendation filed in this case on December 12, 2022 (doc. 5).

If the Court denies the request to proceed *in forma pauperis* on appeal, the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SO RECOMMENDED this 2nd day of February, 2023.

Irma Carrillo Ramirez
IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

¹ Under *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.